

Record of Decision**Loop 375 Border Highway West Extension Project
From Racetrack Drive to U.S. 54****Decision**

This document is the Texas Department of Transportation's (TxDOT) Record of Decision (ROD) regarding the Loop 375 Border Highway West Extension Project from Racetrack Drive to United States Highway (US) 54 in the city of El Paso, El Paso County, Texas. The Loop 375 Border Highway West Extension project (referred to hereafter as "the project") extends for approximately 9 miles, of which approximately 7 miles would be tolled (Racetrack Drive to Paso del Norte International Bridge south of downtown El Paso). This ROD approves TxDOT's selection of the Revised Preferred Alternative 2 as described in the Loop 375 Border Highway West Extension Project Abbreviated State Final Environmental Impact Statement (EIS) dated April 25, 2013. The Abbreviated State Final EIS and the entire project record are available for review by written request to TxDOT El Paso District at 13301 Gateway Blvd. West, El Paso, Texas, 79928. This approval constitutes TxDOT's acceptance of the Selected Alternative and completes the environmental review process for the proposed project. As set forth in this ROD, the Revised Preferred Alternative best serves the identified purpose and need of the project for increased system capacity and reliability, as well as improved regional system linkage. The project was developed in accordance with the Texas Administrative Code (TAC) Title 43, Part 1, Chapter 2, Subchapters A-F, TxDOT's Standards of Uniformity (SOUs) and Memoranda of Understanding with the Texas Historic Commission (THC), Texas Parks and Wildlife Department (TPWD) and the Texas Commission on Environmental Quality (TCEQ).

Description of Selected Alternative

The proposed project would provide a continuation of Loop 375 to the west, thus establishing an additional safe and efficient east-west travel corridor through the El Paso metropolitan area. A public hearing was held November 15, 2012 to present the results of the analysis of four reasonable alternatives and a No-Build Alternative to present a recommendation for the Preferred Alternative. The Preferred Alternative chosen for the proposed Loop 375 Border Highway West Extension Project, Revised Alternative 2, is a combination of Recommended Reasonable Alternatives Border A and Rail Yard B as presented in the State Draft EIS. As a result of the comments received following the public hearing, minor design changes were made to the Preferred Alternative (herein referred to as the Revised Preferred Alternative) to continue access to New Mexico Highway (NM) 273 on the western project terminus, to improve access to the downtown area, to reduce impacts in the vicinity of Coles Street near the eastern project terminus, and to reduce impacts from the various proposed drainage ponds associated with the project. Approximately 144.93 acres of right-of-way (ROW) would be needed for the Revised Preferred Alternative, including 38.06 acres for 13 drainage ponds, 0.20 acre of ROW from the Chihuahueta Park and 4.68 acres of temporary construction easements. The current estimated year for construction to begin is 2015, and the estimated construction cost is approximately \$500 million.

End to End Description of Revised Preferred Alternative (Selected Alternative)

The Revised Preferred Alternative is a combination of elevated and at-grade roadway sections, beginning on the western end with elevated roadway between the existing US 85 main lanes at Racetrack Drive with a connection to NM 273 and Doniphan Drive. The proposed project design does not preclude TxDOT's future Interstate Highway 10 (I-10) Collector-Distributor project north of Racetrack Drive, which is currently under preliminary planning studies.

Figure 1-1: Selected Alternative Overview



The Revised Preferred Alternative runs southeast from Racetrack Drive along US 85, then diverges from existing US 85 near Doniphan Drive and crosses the CEMEX industrial site north of the existing concrete batch plant. A new single point urban interchange is provided at Executive Center Drive just south of I-10. From Executive Center Drive, the alignment remains elevated inside the existing I-10 ROW adjacent to the American Smelting and Refining Company (ASARCO) industrial site. The alignment crosses several active Union Pacific Rail Road (UPRR) and Burlington Northern Santa Fe (BNSF) railroad lines on this segment. Once beyond the ASARCO property, the alignment bends south and runs elevated between I-10 and US 85 until transitioning at-grade to cross the industrial area at Globe Mills. The proposed project design takes into consideration TxDOT's future Spur 1966 overpass, which is currently under construction.

From the existing Yandell Bridge, the alignment is elevated to cross over US 85, multiple rail lines, the Franklin Canal, and continues elevated until the west end of downtown El Paso to avoid conflicts with the existing U.S. Border Patrol road and span over the BNSF Track 130, the international railroad bridge connection, and the American Canal. Once reaching the west end of downtown, the alignment drops below the Santa Fe International Bridge and connects to existing Loop 375.

Existing Loop 375 south of downtown would be constructed as a controlled-access or freeway-type facility. Once the facility has been completed, access to several downtown streets would be eliminated. Westbound access in and out of downtown would occur with an entrance and exit at Campbell Street and an entrance at Oregon Street. An auxiliary lane would be added from Campbell Street to Oregon

Street to provide proper weaving distances for access to and from downtown. Additional access would be provided through a U-turn structure just east of the future Spur 1966 overpass to allow eastbound Loop 375 Border Highway West access for users who miss the last free westbound exit at Oregon Street. This would also replace the existing left turn signalized movement out of downtown at Kansas Street. A new interchange would connect Loop 375 Border Highway West Extension to Coles Street, Delta Street, and US 62. The ramps from this interchange tie back to Loop 375 just west of the eastern terminus at US 54.

Roadway Typical Section

The general typical section would be a four-lane, controlled-access toll facility with a roadway footprint of 80-feet within a 120-foot ROW. The majority of the alternative is elevated as described above. The number of express tolled lanes remains constant at four lanes (two in each direction) for all typical sections, and there are ramps and access roadways that tie into the proposed project at the ends.

Bicycle and Pedestrian Access

The Revised Preferred Alternative would not impact any existing hike and bike trails or bike access. Sidewalks would not be provided along the proposed access-controlled facility. As a result of design changes to provide additional access to downtown, the existing sidewalk between Campbell Street and Oregon Street would be removed. Removal of the sidewalk would accommodate the proposed construction of a controlled-access facility.

Description of Associated Drainage Ponds

The Revised Preferred Alternative would require 13 drainage ponds (38.06 acres) to handle drainage of the proposed project. The drainage ponds are at various locations along the proposed facility and would result in seven commercial displacements. The drainage pond sites are shown in the Abbreviated State Final EIS.

Summary of Public Comments and Response to Comments

Positive feedback was received on the need to address congestion, the project's goal of providing improved access along the south side of downtown, and the inclusion of the public in the public involvement and context sensitive solutions (CSS) process. A majority of the comments on the project were focused on the downtown area as it pertained to limited access routes, specifically the proposed closure of Santa Fe Street having a negative impact on businesses, and requests for continued access to NM 273. As a result of the comments, minor design changes were made to the Preferred Alternative to continue access to NM 273 on the western terminus, to improve access to the downtown area, to reduce impacts in the vicinity of Coles Street near the eastern terminus, and to reduce impacts from the various proposed drainage ponds.

TxDOT has responded to all public comments via Public Meeting, and Public Hearing Summary and Analysis Reports. These reports can be found on the project website at: (<http://www.txdot.gov/inside-txdot/projects/studies/el-paso/border-highway-west.html>).

The comment period for the Abbreviated State Final EIS ended June 3, 2013. Only two comments were received. Agency comments were received from the International Boundary and Water Commission (IBWC) and the City of El Paso. No comments were received from the public.

IBWC responded that the agency had reviewed the Abbreviated State Final EIS and had no additional comments on the project document. They also noted that they are currently in review of the license applications for the storm water outfalls associated with this project.

The City of El Paso provided a short list of concerns regarding the project design. These comments included concerns about the location of a detention pond (PA-A1) on a property that the City uses as a bus facility, application of the Aesthetic Plan developed during the CSS process, landscaping and lighting, and improvements to sidewalks along Paisano Drive.

The project team has responded to the City's concerns. The pond of issue (PA-A1) cannot be moved. However, the City's concern is no longer an issue as the bus facility is already planned to be relocated due to impacts from the proposed UPRR rail relocation project. Additionally, the Aesthetic Plan developed during the CSS process is consistent with the City's request for appropriate landscaping and lighting. Sidewalks would not be provided along the proposed access-controlled facility. Any additional sidewalks along Paisano Drive would need to be addressed as a separate project.

Summary of Mitigation Measures

Water Quality

Proper stabilization techniques would be employed to control erosion and sedimentation through Best Management Practices (BMPs) that would be outlined in the Storm Water Pollution Prevention Plan (SW3P) during the design phase.

A Texas Pollutant Discharge Elimination System permit would be acquired and its conditions and requirements would be followed to address erosion/sedimentation/pollution concerns during the construction and operation phases. In accordance with TCEQ regulations, a NOI would be filed and a SW3P would be implemented for the construction sites.

Air Quality

During the construction phase of the project, temporary impacts on air quality include additional dust generated from construction activities. Efforts would be made to mitigate for temporary air quality impacts during construction, including minimizing or eliminating unnecessary idling of construction vehicles, and employing a combination of dust control techniques including watering of unpaved road surfaces, chemical stabilization, and vehicle speed reduction.

Noise

Noise abatement measures were not found to be both feasible and reasonable for the proposed project; therefore, no abatement measures are proposed. Noise associated with the construction of the project is difficult to predict. Heavy machinery (a major source of noise in construction) is constantly moving in unpredictable patterns. Provisions would be included in the plans and specifications that require the contractor to make every reasonable effort to minimize construction noise where warranted, through abatement measures such as work-hour controls and proper maintenance of muffler systems.

Vegetation

Construction of the proposed project would impact approximately 34.78 acres of vegetation. TPWD provided comments on the State Draft EIS on November 28, 2012 and TxDOT responded to these comments on March 21, 2013. At this time no further coordination with TPWD is needed. Project landscaping would be limited to seeding and replanting the ROW with native species of grasses, shrubs, and/or trees where applicable and feasible. No invasive or noxious species would be used to revegetate the ROW, and soil disturbance would be minimized to ensure that invasive species do not establish in the ROW.

Migratory Bird Treaty Act

A cursory nest survey was conducted in January 2012 and January 2013 within the areas proposed for clearing under the proposed design changes. No active nests were observed at the time of the site survey, and no evidence of migratory birds was observed within project limits. TxDOT would perform

nest surveys during the general migratory bird nesting season, approximately March through August, prior to construction, to determine whether birds are nesting in the project area. In accordance with the Migratory Bird Treaty Act, no vegetation would be removed containing nests, eggs, or young should clearing occur during the nesting and breeding season. If a nest, eggs, or young of a ground-dwelling bird is observed before or during construction, the appropriate agencies would be notified and steps would be taken to avoid impacts to the bird and the nest.

Threatened and Endangered Species

Marginal habitat for some of the federal- and state-listed species is present in the study area, but no actual listed species were found or recorded within the project limits. No affects to listed species are anticipated from the proposed project. Many portions of the proposed project consist of bridges that would span waterways and may retain sufficient amounts of riparian habitat to allow wildlife to cross under the roadway at these locations. The proposed project would not impact the Rio Grande or riparian areas adjacent to this river.

Field surveys were conducted for threatened and endangered species in January 2012 for the State Draft EIS and January 2013 for the Abbreviated State Final EIS. At that time no federal-listed threatened and endangered species or any state-listed species were identified within the project area. In areas that are safe and accessible, where suitable habitat has been identified, and construction activities would result in potential impact to those habitat areas, TxDOT would conduct additional surveys.

If listed species are found or suspected during any phase of construction, work would cease in that area and TxDOT personnel would be notified. TxDOT would then immediately notify the U.S. Fish and Wildlife Service (USFWS) and/or TPWD of the occurrence. Work would not continue at that location until all required coordination is complete and necessary permits/clearances have been obtained.

U.S. Army Corps of Engineers Permitting

The proposed project has been preliminarily designed to avoid, to the extent possible, all delineated water features within the project ROW by placing the majority of piers and pilings outside the jurisdictional limits of waters of the United States (U.S.). The project would result in the placement of less than 0.10 acre of temporary or permanent dredge or fill material into jurisdictional waters of the U.S. and would not result in any fill in special aquatic sites (wetlands). Therefore, a NWP 14 for Linear Transportation Projects would be utilized for the proposed construction activities and would not require pre-construction notification (PCN) or compensatory mitigation. In areas where temporary fill is needed, the affected areas would be returned to their pre-existing conditions.

Floodplains

The proposed project would require a license/permit from the IBWC for construction activities within jurisdictional areas. TxDOT is currently in ongoing coordination on the project design and drainage study with the IBWC for review and concurrence regarding base flood levels prior to construction. Any permitting and licensing packages will be prepared and coordinated prior to construction by the design build engineer. The IBWC would coordinate with Mexico regarding the project findings.

Archeological and Non-Archeological Historic (Cultural) Resources

On April 24, 2013, TxDOT and the THC entered into a compensatory mitigation agreement that allowed TxDOT to mitigate in advance of any potential effects to archeological resources resulting from construction of the project. The effects to archeological sites under the Antiquities Code of Texas are mitigated through the agreement. The mitigation agreement, however, does not address effects to cemeteries and unmarked burials if discovered, as these are regulated under the Health and Safety Code. Likewise, the mitigation agreement does not cover review or compliance with federal laws.

Due to licensing of the use of federal lands, the IBWC served as the lead federal agency for Section 106 compliance associated with limited stretches of the proposed facility. On June 3, 2013, the IBWC, TxDOT, and the Texas SHPO concurred that the proposed project would have an adverse visual effect on the locally designated, and National Register eligible, Chihuahueta Historic District. Efforts to minimize effects to the Chihuahueta Historic District included selecting an alternative that skirts the edge of the historic district and discarding an alternative that would divide the district. Minimization efforts also include contract provisions regarding overhead lighting in the vicinity of the historic district (**see below**) and limiting heavy vibration during construction. Further, the parties agreed to mitigate the visual effects via a TxDOT funded and produced bilingual visual history of the Chihuahueta neighborhood as codified in a Memorandum of Agreement.

Lighting

Continuous lighting is proposed along the Loop 375 Border Highway West Extension facility. To address THC concerns regarding lighting impact to the locally designated historic community of Chihuahueta, LED lighting will be utilized along the portion of the facility adjacent to the Chihuahueta Historic District to reduce the amount of light scatter into the community.

Summary of Public and Agency Involvement

In June 2012, TxDOT published a revised Notice of Intent (NOI) in the Texas Register, the El Paso Times, and El Diario de El Paso. The NOI informed the public that TxDOT was preparing a state-funded EIS for the project with revised project limits to extend the eastern termini from Park Street to US 54, including a Coles Street Interchange, and to advise of changes in access near the western termini. These changes were made in response to input received at public scoping meetings. Agency scoping meetings were held October 23, 2007, October 30, 2007, and December 7, 2011. Public scoping meetings were held October 23 and October 30, 2007; December 8, 2011; and June 20, 2012. A meeting with affected property owners (MAPO) was held November 1, 2012 to communicate revisions to the proposed Coles-Paisano Interchange developed subsequent to the third public scoping meeting. The affected property owners were identified by the project team and mailed invitation letters to the MAPO on October 19, 2012.

To further facilitate and encourage public engagement in the project development process, a series of context sensitive solutions (CSS) workshops were conducted. Two committees, a Technical Advisory Committee and an Aesthetics Advisory Committee were formed to involve citizens regarding their ideas for the project culturally, practically, and aesthetically. Technical Advisory Committee meetings were held January 31, 2012, February 23, 2012, March 22, 2012, April 26, 2012 and June 28, 2012. Aesthetics Advisory Committee meetings were held February 9, 2012, March 8, 2012, April 12, 2012, and May 17, 2012.

The State Draft EIS was approved for circulation and was made available at designated locations for the general public for 47 days before the date of the public hearing and 11 days following the hearing for a 58-day review and circulation period. On November 15, 2012 the public hearing was held to provide the opportunity for the public to comment on the State Draft EIS and the Preferred Alternative. A Notice of Availability (NOA) for the proposed project was published on May 5, 2013, in the following publications: the Texas Register; the El Paso Times; and the El Diario de El Paso. Abbreviated State Final EIS was prepared and made available for public review at this time.

All notices were published in both English and Spanish. Meeting handouts and exhibits were available in both English and Spanish. Spanish-speaking project team members were present at the meetings and a court certified Spanish Interpreter was also present at each meeting.

Alternatives Considered

Throughout the transportation planning and project development process, a wide range of alternatives were considered using appropriate levels of environmental and engineering analysis. The alternatives were analyzed and advanced for more detailed study based on their ability to meet the identified project purpose and need, environmental impacts, and input received from the public, elected officials and environmental resource agencies. A detailed discussion of the alternatives considered is included in the State Draft EIS and the Abbreviated State Final EIS and is summarized below.

No-Build Alternative

Under the No-Build Alternative, the proposed project would not be constructed. It was determined through the alternatives analysis process that the No-Build Alternative would not address the increased system capacity and reliability needs nor the regional system linkage needs for the project. Currently, Loop 375 only partially encircles the City of El Paso and ends near downtown at Santa Fe Street. The Metropolitan Planning Organization (MPO) Travel Demand Model indicates that Loop 375 and other roadways within the study area are currently congested and, with the addition of the projected traffic growth in the area, these roadways would not be able to adequately handle future traffic demands.

Reasonable Alternative 1

Reasonable Alternative 1 is a combination of Recommended Reasonable Alternatives Border B and Border A. The non-tolled length of Reasonable Alternative 1 is approximately 1.9 miles. The total tolled length is approximately 7.1 miles and would require a total of 119.1 acres of proposed ROW. A complete analysis of this alternative is provided in the State Draft EIS.

Reasonable Alternative 2 = Revised Alternative 2 (Preferred Alternative)

Reasonable Alternative 2 is a combination of Recommended Reasonable Alternatives Rail Yard B and Border A. The non-tolled length of Reasonable Alternative 2 is approximately 1.9 miles. The total tolled length is approximately 7.1 miles and would require a total of 134.4 acres of proposed ROW. A complete analysis of this alternative is provided in the State Draft EIS.

Reasonable Alternative 3

Reasonable Alternative 3 is a combination of Recommended Reasonable Alternatives Rail Yard B and Rail Yard A. The non-tolled length of Reasonable Alternative 3 is approximately 1.8 miles. The total tolled length is approximately 7.2 miles and would require a total of 133.2 acres of ROW. A complete analysis of this alternative is provided in the State Draft EIS.

Reasonable Alternative 4

Reasonable Alternative 4 is a combination of Recommended Reasonable Alternatives Border B and Rail Yard A. The non-tolled length of Reasonable Alternative 4 is approximately 1.8 miles. The total tolled length of Reasonable Alternative 4 is approximately 7.2 miles and would require a total of 118 acres of ROW. A complete analysis of this alternative is provided in the State Draft EIS.

Measures to Minimize Harm

A majority of the potential impacts associated with the construction of the Revised Preferred Alternative (Selected Alternative), were avoided or minimized during the EIS process. Design and construction of the Loop 375 Border Highway West Extension Project would include the following measures to minimize harm as discussed below.

Relocation

TxDOT would provide relocation assistance that is compatible with the Federal Uniform Relocation and Real Property Acquisition Policies Act (Uniform Act) of 1970 for ROW acquisition. The property owner

and/or tenant would be contacted by a TxDOT relocation counselor who would provide information on eligible benefits and the application for benefits. The TxDOT relocation representative would provide listings of comparable housing, transportation to inspect the housing (especially for elderly and handicapped persons), and referrals to other agencies that provide assistance for relocated persons.

Properties presented as comparable would be of similar size in terms of number of rooms, living space, location, and square footage. The properties would be available for purchase and within the financial means of the potentially displaced person. The replacement housing must meet all minimum standards established by TxDOT (decent, safe, and sanitary) and conform to all local building codes. Financial assistance in the form of a purchase supplement, rental assistance payments, or a mortgage down payment may be offered to the potentially displaced person. In any case, a potentially displaced person would not be required to move until comparable replacement dwellings are presented.

In addition to residential relocation assistance, TxDOT also provides assistance to businesses, farms, and nonprofit organizations required to relocate. These benefits may be in the form of reimbursements for reasonable moving expenses and reestablishment expenses.

TxDOT would provide assistance that is compatible with the Uniform Act for any ROW acquisition or for any future proposed temporary and permanent easements.

Monitoring or Enforcement


All commitments and conditions of approval stated in the Abbreviated State Final EIS would be monitored by TxDOT to ensure compliance.

Conclusion

Based on the analysis and evaluation contained in the Loop 375 Border Highway West Extension State FEIS and after careful consideration of all the social, economic, and environmental factors and input from the public involvement process, Revised Alternative 2 shall be the selected alternative for this project.

6/7/13

Date



Environmental Affairs Division Director
Texas Department of Transportation